



5. This Court granted *en banc* review to co-appellant Bryan Burwell (06-3070) and the issues raised by Mr. Burwell applied only to him. Oral argument was held on January 20, 2012, and the Court issued its opinion on August 3, 2012.

6. Counsel understands that it is the policy of this Court to not pay final vouchers until the entire case is complete. However, given that counsel submitted his final voucher requesting the amounts withheld from the interim vouchers was submitted on February 25, 2012, and the uncertainty as to when other co-appellant's counsel will submit their respective final vouchers, it is requested that undersigned counsel's final voucher be paid at this time. Counsel's representation of appellant Malvin Palmer began over six years ago and all work done in this matter was completed approximately one year ago.

7. Counsel is a sole practitioner and has already devoted a demonstrable portion of his practice to the representation of appellant Palmer in this appeal. Counsel's business financial resources are limited. The authorization of interim payments will allow counsel to continue the orderly administration of his practice and will avoid a financial hardship on counsel.

WHEREFORE, for the foregoing reasons stated herein, and for such other reasons that may appear just and proper, counsel for appellant Malvin Palmer, Allen H. Orenberg, respectfully requests the entry of an Order authorizing final payment to counsel, in Appeal No. 06-3073.

Respectfully submitted,

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Allen H. Orenberg (D.C. Bar 395519)  
The Orenberg Law Firm, P.C.  
11200 Rockville Pike, Suite 301  
North Bethesda, MD 20852  
Tel. No. 301-984-8005  
Fax No. 301-984-8008  
aorenberg@orenberglaw.com

Counsel for appellant Malvin Palmer  
(Appointed by the Court)

**CERTIFICATE OF SERVICE**

I hereby certify that on the 24<sup>th</sup> day of August 2012, I caused to be filed via the Court's CM/ECF system a true copy of the foregoing Ex Parte Motion for Authorization of Final Payments to Counsel in Appeal No. 06-3073, and a proposed Order.

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Allen H. Orenberg